

# UNCLASSIFIED Department of State

INCOMING  
TELEGRAM

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INFO OCT-01 EUR-12 10-14 ADS-00 CIAE-00 DODE-00 PM-05  
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15 HA-05  
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FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC IMMEDIATE 3517  
INFO AMEMBASSY ASUNCION  
AMEMBASSY BRASILIA  
AMEMBASSY BRUSSELS  
USMISSION GENEVA  
AMEMBASSY LA PAZ  
AMEMBASSY MONTEVIDEO  
USMISSION USUN NEW YORK  
AMEMBASSY ROME  
AMEMBASSY SANTIAGO  
USCINCSO QUARRY HTS

SECTION 1 OF 2 BUENOS AIRES 10211

USEEC

ROME FOR VATICAN OFFICE

E.O. 12065: GDS 12/14/85 (FRIEDMAN, TOWNSEND B.) DR-P  
TAGS: SHUM AR  
SUBJ: (U) HUMAN RIGHTS SUMMARY - DECEMBER 7-14, 1979

REF: BUENOS AIRES 10012

(U) SUMMARY: PRESIDENT VIDELA SPOKE PUBLICLY ABOUT  
DISAPPEARANCES AND DETAINEES, BUT ADDED NOTHING TO  
WHAT IS ALREADY KNOWN ABOUT THE SUBJECT. THE SARAGOV  
CASE WILL BE DECIDED BY THE PRESIDENT NEXT WEEK.  
MILITARY COURTS HAVE HANDED DOWN A NUMBER OF LONG  
SENTENCES. THE OAS IACHR REPORT WAS DELIVERED TO  
THE GOA FOR COMMENT PRIOR TO BULICATION. END  
SUMMARY.

1. (U) VIDELA ON DISAPPEARED AND JAILED ----  
DURING HIS LENGTHY, TELEVISED PRESS CONFERENCE  
PRESIDENT VIDELA ADDRESSED THE ISSUES OF THE  
DISAPPEARED AND OF THE JAILED. THE QUESTION CAME  
UP SPECIFICALLY IN THE CONTEXT OF THE POPE'S RECENT  
CALL ON THE GOA TO CLEAR UP THE STATUS OF THE DIS-  
APPEARED AND TO RESOLVE THE SITUATION OF THOSE  
JAILED WITHOUT CHARGES. ON THE DISAPPEARED, VIDELA  
STATED THAT THEY ARE "NEITHER ALIVE NOR DEAD" AND  
THUS CAN HAVE "NO SPECIAL TREATMENT." HE SAID THAT  
THE GOVERNMENT WAS TRYING TO DEAL WITH THE CONSEQUENCES  
OF THE DISAPPEARANCES FOR THE FAMILIES. (AT ANOTHER  
POINT HE DEFENDED THE CONTROVERSIAL RECENT LAW ON  
PRESUMPTIVE DEATH AS AN HONEST ATTEMPT TO MITIGATE  
THE SUFFERING OF THE DISAPPEARED'S RELATIVES.) AS  
TO RESOLVING THE STATUS OF THE DETAINED, VIDELA SAID  
THE GOVERNMENT IS WORKING ON THE PROBLEM BY BRINGING  
PEOPLE TO TRIAL, SENDING THEM ABROAD AND FREEING  
SOME. HE ADDED, HOWEVER, THAT AMONG THE DETAINED  
ARE SOME "WHO DO NOT DESERVE" FREEDOM. OF NOTE IN  
HIS OTHER REMARKS WERE VIDELA'S ASSERTIONS THAT FOREIGN  
PRESSURE ON ARGENTINA OVER THE HUMAN RIGHT'S SITUATION  
HAS REACHED A PEAK AND IS DECLINING AND THAT ARGENTINA HAD  
NOTHING FOR WHICH IT SHOULD BE ASHAMED.

2. THE SARAGOV CASE ----  
WE DISCUSSED THE SARAGOV CASE AGAIN WITH A SENIOR  
MEMBER OF PRESIDENT VIDELA'S STAFF. HE CONFIRMED TO

US THAT BOTH THE ARMY, WHICH HAD CONDUCTED THE MILITARY  
COURT WHICH SENTENCED SARAGOV TO SIX YEARS IN JAIL,  
AND THE PENAL SERVICE HAD RECOMMENDED THAT SARAGOV'S  
SENTENCE BE COMMUTED. HOWEVER, THE SUPREME MILITARY  
COURT HAD RECOMMENDED AGAINST SUCH A SUSPENSION LAST  
SEPTEMBER. THE MEMBERS OF THE MILITARY COURT HAVE  
NOW CHANGED AND, HE TOLD US IN STRICT CONFIDENCE,  
THE NEW COURT HAS BEEN ASKED TO REVIEW THAT DECISION,  
OBVIOUSLY IN THE HOPE THAT IT WOULD RECOMMEND COMMUTA-  
TION. THE RECOMMENDATION OF THE ARMY, THE PENAL  
SERVICE, AND THE COURT ARE NOT BINDING ON THE PRESI-  
DENT, HE SAID. OUR SOURCE, WHO SAYS HE IS CONVINCED  
THAT SARAGOV WAS THE VICTIM OF A "JUDICIAL ERROR"  
SEEMS GENUINELY TO WANT TO FREE HIM. HE SAID, HOWEVER,  
THAT IF SARAGOV WERE FREED IT WOULD BE THE FIRST TIME  
THE GOVERNMENT HAD COMMUTED SUCH A SENTENCE. THUS,  
THE PRESIDENCY WOULD HAVE TO EVALUATE THE REACTION  
OF THE MILITARY, HE IMPLIED. CORRECTING WHAT WAS

REPORTED LAST WEEK OUR SOURCE, WHO IS AUTHORITATIVE ON  
THIS MATTER, STATED THAT IF THE PRESIDENT WERE TO  
TURN DOWN THE PETITION OF COMMUTATION OF SENTENCE,  
SARAGOV WOULD BE ELIGIBLE TO BE CONSIDERED FOR  
SUPERVISED LIBERTY ONLY NEXT SEPTEMBER. MOREOVER,  
CONSIDERATION OF PETITIONS FOR SUPERVISED LIBERTY  
USUALLY LASTS SEVERAL MONTHS, MEANING THAT IF  
SARAGOV IS NOT FREED NOW HE WILL FACE A YEAR OR  
MORE IN JAIL, AT LEAST. OUR SOURCE SAID THAT THE  
FINAL DECISION BY THE PRESIDENT WOULD BE TAKEN  
SOMETIME NEXT WEEK. WE URGED THAT BOTH JUSTICE AND  
THE PRACTICAL POLITICAL INTERESTS OF THE GOVERNMENT  
MAKE COMMUTATION THE ONLY REASONABLE ALTERNATIVE.  
OUR SOURCE LISTENED BUT MADE NO COMMITMENTS.

3. MILITARY JUSTICE ----  
MILITARY COURTS CONTINUE TO HAND DOWN STIFF SENTENCES  
TO ACCUSED SUBVERSIVES AND TERRORISTS, A PROCESS THAT  
GETS LITTLE PUBLIC ATTENTION.  
MRS. ADELINA OTT DE RODRIGUEZ INFORMED EMBASSY  
THAT HER DAUGHTER, LUISA INES RODRIGUEZ DE CAIRE, HAD  
JUST RECEIVED A TWENTY YEAR SENTENCE BY A MILITARY  
COURT.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

( ) Release (X) Excise ( ) Deny

Exemption(s): B3NA

Declassify: ( ) In Part (X) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

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INCOMING  
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TO SECSTATE WASHDC IMMEDIATE 3518  
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[ ] HER NAME WAS LISTED IN THE PRESS IN JUNE  
AS HAVING BEEN REMOVED FROM PEN. HOWEVER, THE FAMILY  
INFORMED THE EMBASSY THAT SHE HAD NOT BEEN RELEASED  
FROM PRISON. SUBSEQUENTLY, SHE WAS TRANSFERRED TO  
RESISTENCIA PRISON FOR A PERIOD OF FOUR MONTHS WHERE  
THE MILITARY TRIAL TOOK PLACE. SHE HAS NOW BEEN  
RETURNED TO VILLA DEVOTO PRISON TO SERVE THE SENTENCE  
(SHE WAS ORIGINALLY ARRESTED IN NOVEMBER 1976 AND HAS  
NEVER HAD A CIVIL COURT PROCESS).

[ ] 13 OTHER APPLICANTS  
FOR OUR RIGHT OF OPTION PROGRAM WHO HAVE RECEIVED  
EQUALLY SIZABLE SENTENCES AS FOLLOWS SINCE JULY OF THIS YEAR:

THE ROSARIO FEDERAL COURT OF APPEALS HAS CONFIRMED  
LIFE SENTENCES FOR NIDIA HABA, JOSE MARIA CUESTA,  
JUAN ALBERTO TIJERINA AND FERNANDO HELDRADO GAUNA,  
ALL SENTENCED FOR THE 1974 ASSASSINATION OF AN ARMY MAJOR.

5. (U) "CONAREPA" DECISIONS ----

THE PRESS HAS REPORTED IN THE PAST FEW DAYS TERMINA-  
TION OF CASES AGAINST PERONIST FORMER GOVERNOR OF  
LA RIOJA CARLOS MENEM AND FORMER PERONIST LABOR  
LEADER JULIO ISABELINO GUILLAN BY THE NATIONAL  
COMMISSION ON PATRIMONIAL RESPONSIBILITY. IN  
BOTH CASES THE PROPERTIES OF THE ACCUSED WERE  
ADJUDGED TO HAVE BEEN LEGALLY ACQUIRED AND WERE  
RESTORED TO THEM.

6. (U) IACHR REPORT ----

THE PRESS REPORTED THAT THE INTER-AMERICAN COMMISSION  
ON HUMAN RIGHTS REPORT ON ARGENTINA -- RUNNING TO  
403 PAGES -- HAS BEEN COMPLETED AND SHORTLY WILL BE  
FORMALLY PRESENTED TO ARGENTINA'S AMBASSADOR TO THE  
ORGANIZATION OF AMERICAN STATES, RAUL ONIJANO. THIS  
STARTS A SIXTY DAY PERIOD DURING WHICH ARGENTINA HAS  
OPPORTUNITY TO REPLY TO OR COMMENT ON ALLEGATIONS  
CONTAINED. ONE PRESS REPORT SAID THAT THE MINISTRY  
OF FOREIGN AFFAIRS WILL COMMENCE ITS STUDY OF THE  
REPORT ON MONDAY DECEMBER 17. CHAPLIN

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4. (U) OTHER COURT CASES ----

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